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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,538	03/11/2002	Timothy Hugh Norman	RED-67	7908
20311	7590	10/20/2004	EXAMINER	
MUSERLIAN, LUCAS AND MERCANTI, LLP			ALLEN, DENISE S	
475 PARK AVENUE SOUTH			ART UNIT	
NEW YORK, NY 10016			PAPER NUMBER	
			2872	

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/018,538		NORMAN, TIMOTHY HUGH	
	<b>Examiner</b>		<b>Art Unit</b>	
	Denise S Allen		2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 18-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments with respect to claims 18 – 31 have been considered but are moot in view of the new ground(s) of rejection. The independent claim (claim 18) has been significantly amended to include the limitation “a location frame rigidly mounted within and directly connected to said housing”, which changes the scope of the claims and necessitates the new grounds of rejection.

### ***Allowable Subject Matter***

The indicated allowability of claim 23 is withdrawn in view of the newly discovered reference(s) to Grissen et al (US 4,826,306). Rejections based on the newly cited reference(s) follow.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 18 – 22 and 24 – 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Lang et al (US 5,604,644).

Regarding claim 18, Lang et al teaches a vehicle rear view mirror (Figure 1) comprising a housing (reference 2) and a mirror lens (reference 11) carried by a location frame (reference 12) rigidly mounted within and directly connected to said housing (reference 12 is connected directly to reference 2 by means of reference 17), said frame and/or housing being made from a resilient

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material (column 2 lines 44 – 57; the wall section reference 19 bends inwardly until the housing engagement means reference 20 slides into the frame retainment means reference 21) and the frame being a resilient snap-fit (Figure 1 and column 2 lines 44 – 57) within the housing characterized in that the housing has a rim portion (at reference 21) within which the frame is located without extending laterally over the outer edges of said housing (column 2 lines 62 – 65).

Regarding claim 19, Lang et al teaches the housing is provided with frame retainment means (reference 21) and said frame is provided with housing engagement means (reference 20).

Regarding claim 20, Lang et al teaches the frame retainment means comprises one or more catches (reference 21) and said housing engagement means comprises one or more abutments (reference 20) which co-operate with said catches (Figure 1).

Regarding claim 21, Lang et al teaches the frame is provided with lens engagement means (reference 13).

Regarding claim 22, Lang et al teaches the lens engagement means comprises one or more abutments (reference 13) adapted to engage the lens.

Regarding claim 24, Lang et al teaches the frame is made from a resilient synthetic plastics material (column 1 line 16).

Regarding claim 25, Lang et al teaches the housing comprises a casing (reference 2) adapted to cover the rear face of said lens (Figure 1).

Regarding claim 26, Lang et al teaches the lens is convex (Figure 1).

Regarding claims 27 and 28, Lang et al teaches the lens is of a substrate on which a reflective surface may be deposited; specifically glass (column 2 line 31).

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Regarding claim 29, Lang et al teaches the frame is provided with slots (reference 23) at each corner to provide further resilience to said frame.

Regarding claim 30, Lang et al teaches the housing and the frame are releasably detachable (column 1 lines 56 – 60).

Regarding claim 31, Lang et al teaches the housing is provided with means to receive a mounting attached to a vehicle (reference 3).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lang et al in view of Grissen et al.

Lang et al teaches a vehicle rear view mirror as described above. Lang et al does not teach the lens is resilient snap fit in the frame.

Grissen et al teaches a vehicle rear view mirror (reference 11) with a lens (reference 12) that is a resilient snap fit (Figure 2) in a frame (reference 21). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the resilient snap fit of Grissen et al in the vehicle rear view mirror of Lang et al in order to eliminate the need for gluing the lens into the frame.

*Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Denise S Allen whose telephone number is (571) 272-2305. The examiner can normally be reached on Monday - Friday, 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew A Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

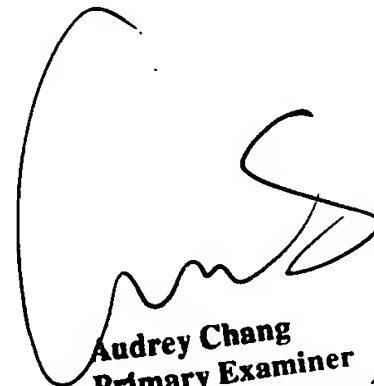
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Denise S Allen  
Examiner  
Art Unit 2872



dsa



**Audrey Chang**  
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